## 104TH CONGRESS 2D SESSION

## H. R. 3152

To permit the Federal Government to provide funding for wetland creation and improvement through the construction of upland dredge material disposal facilities and funding for upland dredge material disposal, and for other purposes.

## IN THE HOUSE OF REPRESENTATIVES

March 22, 1996

Mr. Baker of California introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

## A BILL

To permit the Federal Government to provide funding for wetland creation and improvement through the construction of upland dredge material disposal facilities and funding for upland dredge material disposal, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Wetland Creation and
- 5 Improvement Act".

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1	SEC. 2. COST SHARING FOR UPLAND AND CONFINED
2	AQUATIC DREDGED MATERIAL DISPOSAL FA
3	CILITIES.
4	(a) Treatment in General.—Notwithstanding any
5	other provision of law, after the date of the enactment of
6	this Act, the cost of providing upland and confined aquatic
7	dredged material disposal facilities associated with the
8	construction, operation, and maintenance of all Federal
9	navigation projects for harbors and inland harbors, includ-
10	ing the cost of diking and the cost of applying dredged
11	material to beneficial use, and other improvements nec-
12	essary for the proper disposal of dredged material shall
13	be considered a general navigation feature of the project
14	and shall be subject to cost sharing as such a feature in
15	accordance with section 101(a) of the Water Resources
16	Development Act of 1986 (33 U.S.C. 2211(a); 100 Stat
17	4082–4083).
18	(b) Operation and Maintenance.—The Federal
19	share of the cost of operation and maintenance of each
20	disposal facility to which subsection (a) applies shall be
21	determined in accordance with section 101(b) of the Water
22	Resources Development Act of 1986 (33 U.S.C. 2211(b)
23	100 Stat. 4083).

- 24 (c) Eligible Costs.—For purposes of section 210
- $25\,$  of the Water Resources Development Act of  $1986~(33\,$

- 1 U.S.C. 2238; 100 Stat. 4106) eligible operation and main-
- 2 tenance costs shall include—

- (1) the Federal share of the costs of construct ing dredged material disposal facilities associated
  with the operation and maintenance of all Federal
  navigation projects for harbors and inland harbors;
  - (2) the Federal share of the cost of operating and maintaining dredged material disposal facilities associated with the construction, operation, and maintenance of all Federal navigation projects for harbors and inland harbors;
  - (3) the Federal share of the costs of environmental dredging and disposal facilities for contaminated sediments which are in or which affect the maintenance of Federal navigation channels and the mitigation of environmental impacts resulting from Federal dredging activities; and
  - (4) consistent with the cost-sharing provisions of subsection (a), the Federal share for the dredging, management, and disposal of in-place contaminated sediments, or other environmental remediation in critical port and harbor areas in order to facilitate maritime commerce and navigation.
- 24 In selecting and carrying out projects made eligible for
- 25 assistance under paragraph (4), the Secretary of the Army

- 1 shall give preference to port areas to the extent that an-
- 2 nual payments of the harbor maintenance fee under sec-
- 3 tion 9505 of the Internal Revenue Code of 1986 exceed
- 4 Federal expenditures made from the Harbor Maintenance
- 5 Trust Fund for projects in such port area.
- 6 (d) Limitations on Use of Funds.—No funds
- 7 comprising the Federal share of costs described in sub-
- 8 section (a) shall be expended until the Secretary of the
- 9 Army determines that such funds are not otherwise re-
- 10 quired to cover other eligible operation and maintenance
- 11 costs assigned to commercial navigation. The Federal
- 12 share for each project made eligible by subsection (c) shall
- 13 not exceed \$25,000,000 in any fiscal year.
- (e) APPLICABILITY.—This section shall apply to the
- 15 construction of dredged material disposal facilities for
- 16 which a contract for construction or usable increment
- 17 thereof, or the construction of the associated navigation
- 18 project or usable increment thereof has not been awarded
- 19 on or before the date of the enactment of this Act. The
- 20 Secretary of the Army may amend, with the consent of
- 21 the non-Federal interest, project cooperation agreements
- 22 to provide for the Federal share of project costs of dredged
- 23 material disposal facilities as provided in this section.
- 24 (f) Protection of Non-Federal Share.—Noth-
- 25 ing in this section shall increase, or result in the increase

- 1 of, the non-Federal share of the costs of any dredged ma-
- 2 terial disposal facility authorized to be provided before the

3 date of the enactment of this Act.

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